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Applicants Docket Number:
DEAV2001-0004 US NP

Applicants:
STROBEL et al.

Serial No.
10/073,160

Filing Date:
February 13, 2002

Title of Invention:
Acylated Indanyl Amines and Their Use as Pharmaceuticals

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Attorney: George Wang

Group Art Unit: 1626

Examiner: Kamal A Saeed

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
STROBEL et al.

Application No.: **10/073,160**

Filed: **February 13, 2002**

Title: **Acylated Indanyl Amines and Their Use
as Pharmaceuticals**

Examiner: **Kamal A Saeed**

Art Unit: **1626**

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RESPONSE TO OFFICE ACTION

Commissioner for Patents
P. O. Box 1450
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The following remarks are submitted in response to the Office Action mailed February 25, 2004. Applicants respectfully submit that the Examiner's objection of claims 1-6, 21 and 22 as containing non-elected subject matter is improper and should be withdrawn.

REMARKS

The Examiner divided the present application into three groups (Group I, II and III) and requested applicants to elect one group for further examination. Pursuant to this request, applicant elected Group I (claims 1-6, 21 and 22), drawn to compounds of Formula I defined in claim 1. The Examiner further stated that "claim 1 is generic to a plurality of disclosed patentably distinct species" and thus required Applicants to provisionally elect a single species for initial examination of Group I. Following applicant's election of a single species (2,2-difluror-benzo[1,3]dioxol-5-carboxylic acid indan-2-ylamide), the Examiner arbitrarily picked a number of species from the claims as selected subject matter and treated the remaining species as non-selected subject matter. It was on that basis that the pending claims were objected to for containing non-selected subject matter.